

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VIRGINIA L. GIUFFRE,

Plaintiff,

v.

**PRINCE ANDREW, DUKE OF YORK,
a/k/a ANDREW ALBERT CHRISTIAN
EDWARD, in his personal capacity,**

Defendant.

Case No. 1:21-cv-06702-LAK

RULE 5.1 NOTICE

Pursuant to Rule 5.1(a)(1) of the Federal Rules of Civil Procedure, Defendant Prince Andrew, Duke of York, a/k/a Andrew Albert Christian Edward submits this Notice regarding his constitutional challenge to the New York Child Victims Act, N.Y. C.P.L.R. § 214-g, in its original form and/or as amended (the “CVA”). Defendant’s challenge is set forth in his Motion To Dismiss Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, or in the Alternative, for a More Definite Statement Pursuant to Rule 12(e) of the Federal Rules of Civil Procedure, filed in the above captioned matter on this date (the “Motion”).

The question raised by Defendant’s constitutional challenge is whether the CVA violates defendants’ rights of due process under the New York State Constitution on the grounds that the CVA impermissibly revives the statute of limitations on otherwise time-barred claims without substantial justification or a showing of exceptional circumstances.

SERVICE ON THE NEW YORK ATTORNEY GENERAL

Pursuant to Rule 5.1(a)(2) of the Federal Rules of Civil Procedure, a copy of this Notice and the Motion are being served on this date, October 29, 2021, by U.S. Mail on the Division of

Appeals & Opinions of the Office of the Attorney General of the State of New York, at 28
Liberty Street, New York, NY 10005.

Dated: October 29, 2021
Los Angeles, California

Respectfully submitted,

LAVELY & SINGER, P.C.

s/ Andrew B. Brettler

Andrew B. Brettler (AB2662)

Melissa Y. Lerner (*pro hac vice*)

2049 Century Park East, Suite 2400

Los Angeles, California 90067

Telephone: (310) 556-3501

Facsimile: (310) 556-3615

Email: abrettler@lavelysinger.com

Email: mlerner@lavelysinger.com

Attorneys for Prince Andrew, Duke of York